HVN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CUSTOMS APPEAL NO. 33 OF 2007

The Commissioner of Customs (Import).. Appellant

Versus

M/s. Pranav Agro Industries Ltd. .. Respondents

Mr. P.S. Jetly with Mr. S.D. Bhosale and Ms. L.B. Patne for the Appellant.

Ms. Shilpa Pradhan for Respondents.

CORAM: F.I. REBELLO &
J.P. DEVADHAR, JJ.
DATED: SEPTEMBER 06, 2007

P.C.:

. Admit.

. This appeal is preferred against the order of CESTAT dated 28.3.2005 whereby the application for condonation of delay of 21 days has been rejected.

. The law is now settled and requires no repetition that in matters of condonation of delay though the appellant cannot be treated on a different footing than the private party, none the less, as set out by the Supreme Court in State of Nagaland Vs. Lipok A.O. 2005 (183) E.L.T. 337 (SC) some leeway has to be granted to public authorities. Considering the above, in our opinion, the impugned order is set

aside. Delay is condoned. The appellate authority is directed to hear the appeal on merits. Appeal accordingly disposed of.

(J.P. DEVADHAR, J.) **(F.I.REBELLO, J.)**